Hauenstein v. Frey

Doc. 39 Att. 5

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EXCLUSIVE

The Man Who Conned Oprah

continued

The grand criminal probe of which Frey writes he was the main target, Baer said, was actually a very small-scale affair: "It was college kids doing dope." Baer, now a lieutenant with Florida's Marco Island Police Department, said the Granville investigation, which he ran, had no federal agencies involved. "I never, ever, ever worked with the FBI on a drug case" in Granville, said Baer. "Never did it once."

Baer's investigation began with the cooperation of a Denison student who got ratted out by a frat boy who himself was popped on a minor drug charge. The Denison student, eager to save his own ass, acknowledged using cocaine, acid, and pot. The student's main concern was that he would have to continue his senior year "being known as an informant," according to a January 1992 police report.

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When the young snitch sat down with investigators, he helped them draw up a list of 11 Denison students--many of them fraternity members--suspected of dealing. Frey was one of eight students described in an investigative report as allegedly selling small amounts of cocaine. Frey's name does not appear anywhere else in a detailed 13-page report prepared by Baer and other officers. Three other students allegedly sold marijuana, one dealt LSD, and five were described as suspected customers of one campus coke dealer.

The cooperating student would go on to make an undercover buy of a half-a-hit of acid from an SAE brother of Frey's. That student, Alexander Speyer, pleaded no contest to a misdemeanor drug charge and was fined $150. When Granville police closed down their investigation that April, they interviewed seven students about their suspected drug sales. Frey, police reports show, was not one of the students Granville cops set out to interview, nor was he questioned.

Though armed with no warrants during the early-morning Q&A sessions, most students granted permission for cops to search their dorm or frat rooms. In a few instances, police recovered pot, for which the students were charged and later fined small amounts in Granville Mayor's Court.

A second frat brother of Frey's, Andrew Delano, was popped that morning when he nervously (and voluntarily) handed over three wooden boxes containing a small amount of marijuana. While it was Delano's second arrest in three months (he had been nabbed in January for disorderly conduct/public intoxication and fined $150), he again walked out of Mayor's Court with a small fine

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and no jail time.

The second misdemeanor slap on Delano's wrist makes Frey's contention that he was made to serve three months county time (on equally minor charges) all the more ridiculous.

Frey, who first told us about the arrests of frat brothers Delano and Speyer, said that cops tried to get both students to flip on him, a claim not reflected in police records. Neither Delano nor Speyer responded to TSG efforts to contact them about Frey's assertions.

Calling Frey's account of the drug probe (and his supposed chief role in it) "bullshit," Baer told TSG that that Granville police were simply trying to make "nickel bag drug cases." While he wished the case had an exotic, South American angle to it--as Frey tried to make it seem in "A Million Little Pieces"--Baer said the probe was small potatoes. "We were trying to buy baggies of pot."

[Frey's claim of being grilled by the FBI over his trips to Brazil apparently is an oblique reference to visiting his parents, who were living there while his father headed up Whirlpool's Latin American division.]

The university, Baer said, was not filled with roughnecks and drug toughs. A Denison gang would be "wearing khakis and blue sport blazers. We're not talking Detroit here," he added. "It's like Biffy and Buffy saying, 'I think we should steal a stop sign.'"

On a final note, Baer denied being the overweight Asshole Cop who purportedly threw his coffee at Frey after the wiseass frat boy bolted police headquarters following an interview session that never actually took place. "I was skinny then and didn't drink coffee," he claimed.

The two other criminal activities that TSG tried to confirm supposedly resulted in Frey being wanted on drug possession charges in Michigan and North Carolina (as well as in Ohio). He has repeated this since the 2003 publication of "A Million Little Pieces."

The only proof, as it were, offered in the book is the claim that after landing in North Carolina (in late 1993, shortly after pummeling that pervy Parisian priest), "I was so fucked up all the time, but I know I got arrested again." He then tacked up another wanted poster: "I also know I got arrested in Michigan, though I have no idea what I was doing in Michigan. I skipped Bail in both places, so I guess I'm wanted there as well."

The "I've been an Alcoholic for a decade and a drug Addict and a Criminal for almost as long and I'm wanted in three states" refrain has appeared, in some form, in hundreds of stories about Frey, in promotional material for the book, and was one of the first things Winfrey said about him when introducing Frey to her audience.

We'll start with Michigan. As previously mentioned, TSG conducted extensive searches in the state and came up with the single case Frey himself provides scant details about in "A Million Little Pieces." That arrest occurred on June 8, 1988 and was settled with a plea before the month was over. The court docket makes no mention of any outstanding warrant that needed to be addressed by the defendant. Less than three months later, Frey moved to Ohio to begin studies at Denison.

By his own admission, most recently on "Oprah" when he returned to St. Joseph with a camera crew in tow, Frey had not been in Michigan in the intervening 18 years. So when and where he racked up that supposed drug arrest is a mystery. The only other mention of it in the book comes when Randall, the Hazelden attorney, reports that the "Authorities" in Michigan and North Carolina were each seeking "Misdemeanor Possession" pleas because "Courts in both places are overloaded and want this to go away." In return for the pleas, Randall tells him, "Your time in here will be time served." In addition, Randall explains, he'll face "a couple thousand dollar" fines in each jurisdiction, though Frey's "Record will be cleared in three years."

Our search of North Carolina records also turned up no cases or warrants for Frey, who has said the bust there came in either Wilmington or the neighboring Wrightsville Beach. Checks with the police departments in both places turned up no records for a James Frey. At the New Hanover county level, the sheriff's office, the Superior Court, which handles felony matters, and the District Court, which handles misdemeanors and lower-level infractions, all had no record of him in their respective files, all of which date back prior to the 1990s.

Wrightsville Police Department Officer Sean Appler also searched North Carolina driver's history records, conducted a criminal history check, and performed an Administrative Offices of the Court case query. All three returned no hits for Frey's name. To aid in searches, TSG often provided law enforcement officials with identifying details like Frey's date of birth, middle name, or social security number. And sometimes all three.

When we told Frey that records checks in both states came up empty, he acknowledged that neither case involved narcotics possession, as claimed in "A Million Little Pieces." He said the North Carolina matter--which would have come in the weeks before his Hazelden admission--was "alcohol-related" and "some bullshit nothing." It involved "like walking down a street with open containers and getting in a confrontation with other people walking down the street with open containers," added Frey. Asked if this would have been an offense for which he was issued something akin to a citation, Frey answered, "Yes."

He could offer even fewer details of the supposed Michigan incident besides, "It was probably something dumb like a traffic citation or a dumb bullshit warrant like that."

In both states, it remains entirely unclear where these supposed arrest warrants were purportedly lodged against Frey, who could offer us no guidance in locating them.

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While Frey's fabrications and embellishments of his criminal "career" and jail time are patently dishonest, the section of "A Million Little Pieces" that deals with a tragedy that took place while he was a high school student is downright creepy and detestable.

On November 15, 1986 at 9:17 PM, a northbound C&O locomotive pulling a caboose and headed for nearby Benton Harbor slammed broadside into a 1976 Oldsmobile Toronado at the Maiden Lane railroad crossing in Michigan's St. Joseph Township.

The two-door car was driven by 17-year-old Dean Sperlik. Sharing the front seat with him was Jane Hall and Melissa Sanders, both also 17. Hall and Sanders were best friends and classmates at St. Joseph High School. Sperlik, who had moved from St. Joseph to Grand Rapids only months earlier, had previously attended the school with the girls.

Melissa Sanders (left) and Jane Hall in St. Joseph High School yearbook photos

According to a St. Joseph Township Police Department report, on the night of the accident, Sperlik hosted a party at a residence where he was house sitting. About a dozen teenage partygoers played Ping Pong and some, including Sperlik, were seen drinking. Sometime after 8:30 PM, Sperlik, Hall, and Sanders left the party in the boy's auto. Witnesses differed on whether the trio was going to another party or planned to return after purchasing wine coolers.

Less than an hour later, Hall and Sanders were dead, and Sperlik was seriously injured. Despite flashing railroad warning signals, Sperlik, driving at about 50 mph, tried to beat the train through an intersection. Instead, the Olds was hit flush on its right side, where Sanders was seated next to the door. A subsequent investigation determined the car was dragged 626 feet down the tracks.

Sanders, a member of her school's varsity tennis, volleyball, and softball teams, died at the scene from massive head and internal injuries. An autopsy determined that she had no trace of alcohol in her system. Hall, a varsity tennis player and a member of the French club, died of multiple fractures and internal injuries. While seriously injured, Sperlik survived the crash and subsequently pleaded no contest to a negligent homicide charge. He was sentenced to six months in jail and two years probation.

When recreating the train accident in "A Million Little Pieces," Frey manipulates the time frame, claiming it occurred halfway through the eighth grade, just six months after he relocated (at age 12) to St. Joseph from the Cleveland area. In fact, Sanders and Hall were high school seniors and Frey, also 17, was a junior at the time of the train crash. He also refers to Melissa Sanders as just "Michelle" in the book.

Frey identified "Michelle" as Melissa Sanders in a December 14 TSG interview. While prepared to ask him questions about his supposed role in the train crash, Frey ended an interview Friday before we could explore the subject with him.

Frey introduces Michelle to readers by carrying on a conversation with the dead girl while showering one day at Hazelden. "I say you have been on my mind lately. I say I may see you soon. I say please be there when I arrive, I'm looking forward to spending some time together."

He goes on to explain how he met Michelle when he moved to their "small Town." He was an outsider hated by the local kids. Michelle, of course, was "popular, beautiful and smart." She played sports, was a cheerleader, and got straight A's. And, for some reason, she wanted to be Frey's friend. One day in English class, she passed him a note saying that he did not seem "as awful as I hear you are." He wrote back, "I am as awful as people say and worse." Soon, the pair was talking on the phone, passing notes in class, eating lunch together, and "riding in the same seat on the Bus." When Michelle's friends wondered why she befriended that pariah Frey, she just ignored them since Michelle "had too much going for her for anyone to make her suffer for our friendship."

Halfway through eighth grade, Michelle got asked out on a date by a high school boy, Frey writes. Knowing that her parents would not let her go, Michelle told them she was actually heading to the movies with Frey, her beard for the night. "I had never done anything to them and I had always been pleasant and polite in their presence, so they agreed and they drove us to the Theater." Frey adds that he went inside and watched the movie, pint of whiskey in hand, while Michelle got picked up there by her high school suitor (the couple, he said, then went and parked somewhere and drank beer). But as Michelle and the high school boy, a "football Hero," were driving back to the theater--presumably so that Michelle's parents could pick her up--he tried to beat a train across some tracks. "His car got hit and Michelle was killed...She was my only friend...She got hit by a fucking Train and killed."

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Surely, like anyone who lived in St. Joseph at the time of the accident, Frey knew that two girls had died in the crash. But for the fabulist's narrative purposes, Janie Hall needed to be thrown under that C&O locomotive.

After learning of the accident the following day, "I got blamed by her Parents and by her friends and by everyone else in that fucking hellhole," Frey claims. "If she hadn't lied and if I hadn't helped her, it would not have happened. If we hadn't gone to the Theater, she would not have gone on that date." Sure, a couple of mangled girls landed in a hospital morgue, but that's narrative gold in the hands of James Frey.

The car's driver was unhurt and everyone felt sorry for him. Instead, it was poor Jimmy Frey who became the object of St. Joseph's scorn:

> I got taken down to the local Police Station and questioned. That was the way it worked there. Blame the fuck-up, feel sorry for the football Hero. Vilify one forever, forget the other had anything to do with it. I took a lot of punches for that bullshit, and every time I threw a punch back, and I threw one back every single time, I threw it back for her. I threw it back as hard as I fucking could and I threw it back for her.

Standing in that Hazelden shower, Frey wishes he could again smell Michelle, touch her hair, tell her he loves her because, "I did and I do and I never did it when she was still alive."

Frey's alternate reality, as you might have guessed, is not reflected in the final 16-page police report on the 1986 fatalities. There is no mention of him in the document, though several other St. Joseph High School students were questioned by investigators. No person interviewed said anything about Sanders going to the movies that evening. The chief police investigator, Dennis Padgett, told TSG, "I don't remember Mr. Frey. I don't recognize the name." Asked if a key witness like Frey could have been interviewed by him or other probers and not be referred to in the final report, Padgett answered, "Not typically, no."

While Sanders, who demonstrably was a real person, is another character--like Leonard or Lilly--who died before she could see Frey enjoy fame and wealth (or even visit his Big Jim Industries web site), her parents are still alive. And Bill and Marianne Sanders say that Frey created a meaningful relationship with their daughter where, the couple believes, one did not exist.

Sanders was a senior, Frey just a junior, so he deftly skipped a grade to better appropriate her family's tragedy. And since it would be hard to claim "Michelle" as his beautiful protector and only friend five years after arriving in town, Frey instead turns back the odometer and has her coming to his rescue at age 12, only months after he landed in that verdant Michigan "hellhole."

The Sanders family learned of "A Million Little Pieces" late last year when they returned to Michigan (they now live in New York) for a funeral. A relative had heard about the book via "Oprah" and told Marianne that they suspected the train accident described by Frey was the one that took Melissa's life.

Marianne began to read the book, but did not recognize many of the details surrounding her own daughter's death. "Everything that I believe he wrote, even about my daughter...was not an actual, the way the accident happened or anything," she told TSG. "I never heard his name in connection with it."

Sanders said that she did not think Frey's name ever came up in connection with Melissa's death and, "I don't believe that he was ever actually questioned in regard to the accident because he had nothing to do with it."

She disputed Frey's claim that he had always "been pleasant and polite" in the company of her and her husband. She could recall meeting him only once before Melissa's death and believed that Frey dropped off a condolence card after the accident. They may have been acquaintances, she said, and might have ridden on the same school bus.

As for driving Frey and her daughter, who was not a cheerleader, to the movies the night Melissa died, Sanders said that did not happen. "When I read that I figured he was taking license...he's a writer, you know, they don't tell everything that's factual and true." She added, "I just figured he embroidered a few things...I mean I'm sure not every single thing he said in there is gonna be true, do you think?"

In an e-mail exchange, Bill Sanders told TSG that on the night of the accident, a Saturday, "Janie stopped by and picked Melissa up. Melissa told me they were going out and she would be home around 12:00 midnight. I have never met Mr. Frey and I never drove him anywhere."

Asked about St. Joseph residents purportedly turning on Frey after the crash, Marianne Sanders replied, "No, I don't think that part's true at all." She added, "I never heard anything like that after it happened. As far as I know his name never came up in anything." TSG spoke with Sanders last month, a particularly tough time of the year for her family. Three years after Melissa's death, her twin brother Mark was killed in a New York auto accident. "It's very hard to lose children," she said.

In a Q&A section on Winfrey's web site, Frey recently answered a viewer's question about whether he ever spoke about the death of his high school "girl friend" with his parents or a Hazelden staff psychologist. "I discussed it a bit with my parents when it happened, but not that much. I have often kept the things that hurt me the most to myself. I don't know if that's because they hurt so much to talk about, or if I just want them to be mine and mine alone."

That would be one explanation.

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When Oprah Winfrey decided to place her book club's coveted seal of approval on "A Million Little Pieces," she further cemented James Frey's place near the top of the publishing heap. At least in terms of sales, if not literary achievement. The book has reportedly sold more copies than any other title chosen by the TV star. He has embraced Winfrey with gusto, calling her selection of his book an "honor." Quite the opposite of the forearm shiver Jonathan Franzen, another contemporary New York author, gave Winfrey in 2001 when she picked his novel, "The Corrections," for her book club.

Frey's nonfiction memoir's roaring success (and that of its sequel "My Friend Leonard") has earned him millions of dollars and allowed for the kind of luxuries that few young authors ever see--a $2.55 million Manhattan apartment, an Amagansett summer house, and first-class travel. And, as silly as it sounds, Frey has become something of a literary rock star, attracting crowds at book signings that jam stores to capacity and prompt comparisons to established draws like David Sedaris and Dave Eggers.

He has written the screenplay for "A Million Little Pieces" and has said that the film is being co-produced by Brad Pitt and directed by Mark Romanek. Frey is more than happy to tick off the top-shelf Hollywood actors (some of whom he counts as friends) up for the role of him: Ryan Gosling, Tobey Maguire, Orlando Bloom, Josh Hartnett, and Jake Gyllenhaal. "Whoever they're gonna choose I'll be happy with. I'm much more worried with the studio staying true to the story than I am about who they put in it," Frey told Winfrey. Now in between books, he's working on a screenplay about the Hell's Angels for director Tony Scott.

At a packed appearance last month at the Barnes & Noble in Union Square (on his web site, Frey estimated the audience at 1200), he proudly told the crowd that "nobody who has been in either of the books has ever had a problem with anything I wrote, even when I didn't necessarily write good things about them." As for future plans, he said he was done writing memoirs. He told Publishers Weekly in an October interview that his next work, a novel, would be "a big, ambitious 500- or 600-page book about life in contemporary Los Angeles."

He noted, "I'm looking forward to showing people that I can write fiction."